

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**TIMOTHY BARNES,**

Plaintiff,

v.

No. 3:11-cv-00142-PK

OPINION AND ORDER

**CHASE HOME FINANCE, LLC, CHASE  
BANK USA, N.A., IBM LENDER  
BUSINESS PROCESS SERVICES, INC.,  
JOHN AND JANE DOES 1-10, and  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,**

Defendants.

**MOSMAN, J.,**

On April 12, 2018, Magistrate Judge Paul Papak issued his Findings and Recommendation (F&R) [218], recommending that Mr. Barnes's Motion for Summary Judgment [175] be denied; that the Chase Defendants' Motion for Summary Judgment [193] and Fannie Mae and LBPS's Motion for Summary Judgment [199] should be granted; and that judgment should be entered. Plaintiff objected [223]. The Chase Defendants responded [224], and Fannie Mae and LBPS joined that response [225].


## DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Papak's recommendation and I ADOPT the F&R [218] in full. Mr. Barnes's Motion for Summary Judgment [175] is DENIED, and the Chase Defendants' Motion for Summary Judgment [193] and Fannie Mae's and LBPS's Motion for Summary Judgment [199] are GRANTED.

IT IS SO ORDERED.

DATED this 29 day of June, 2018.

  
MICHAEL W. MOSMAN  
Chief United States District Judge